Senate, as the Constitution envisions. Fortunately, the Supreme Court disagreed 9 to 0. That means even this President's appointments to the Supreme Court said that he violated the Constitution with those recess appointments. The Constitution clearly says that the Senate shall determine when we are in session and in recess.

That isn't the only example. The Obama administration argued that the Equal Employment Opportunity Commission could resolve an employment discrimination case between a minister and the church that fired her. The Supreme Court found the Obama administration managed to violate two different provisions of the First Amendment at the same time. It violated the free exercise of religion clause because if the President's argument carried the day, the government could interfere with a church's doctrine. Additionally, it violated the establishment clause of the First Amendment because if this President had his way, the Federal Government could get into the business of selecting a church's ministers. The Supreme Court rejected those claims 9 to 0.

On the regulatory front, in a series of rulings, the Supreme Court rejected the President's arguments that agencies can deny the ability of private citizens to seek relief against regulatory overreach. For instance, the Court rejected the Environmental Protection Agency's powers to force a homeowner, through escalating fines, to comply with an order while at the same time denying that homeowner the ability to challenge the order in court. The Supreme Court rejected Obama's EPA's claims 9 to 0.

In another case, the Court held—contrary to the position advanced by the Army Corps of Engineers—that a landowner could sue in court for just compensation for a taking when the government-caused flooding of his property is temporary and recurring. Again, the Supreme Court rejected the government's position 8 to 0.

When the Internal Revenue Service attempted to enforce a taxpayer's summons while at the same time denying the taxpayer the right to question the IRS official about their reasons for the summons, the Supreme Court rebuked the administration 9 to 0.

In still another case, the Court rejected the Equal Employment Opportunity Commission's argument that its decisions aren't subject to judicial review when that agency concludes by its own estimation it fulfilled its duties to attempt conciliation under title VII of the Civil Rights Act of 1964. Once again, the Supreme Court rejected that claim by this administration 9 to 0.

Similarly, when a veteran's benefits were denied and the appeal wasn't filed within a certain time period, the Department of Veterans Affairs turned around and denied that veteran the ability to seek judicial review. The Supreme Court rejected the position of the Department of Veterans Affairs 8 to 0.

And when the Federal Communications Commission changed its policies midstream regarding isolated examples of indecent language, the Supreme Court found 8 to 0 that the FCC had violated due process.

These are important rulings. Far too often, this administration imposes government power against the people while brushing aside important procedural safeguards. Remember, the Constitution is to protect the people from its government—something we learned from George III.

Justice Frankfurter spoke to this point. He once wrote: ''The history of liberty has largely been the history of the observance of procedural safeguards.''

Consider as well areas in criminal law where the Obama administration pressed positions that erode individual freedom. This President's lawyers argued that the police could install a GPS device on a vehicle, and then use that device to monitor the car's movements without a search warrant under the Fourth Amendment. I don't know what would be left of the Fourth Amendment if the Supreme Court had upheld the President's claim that the government could operate in that manner. Thankfully, the Supreme Court rejected that argument as well. The vote tally was 9 to 0.

The Court blocked the Justice Department's prosecution of a person under the Chemical Weapons Convention because the convention didn't reach the defendant's simple assault. Again, the Supreme Court rebuked the President 9 to 0.

These are not the rulings of a Supreme Court that is ideologically hostile to the Obama administration. Every one of these rulings was unanimous—every one. And there are still other Supreme Court decisions rejecting this President's power grabs where the vote tallies were much closer.

The President and his lawyers made utterly baseless arguments for executive and regulatory power in case after case. In so many of these cases, the unifying thread underlying this President's litigating position is the notion that the people are subservient to the Federal Government and, of course, subservient to its agencies, rather than the other way around. So far the Supreme Court has not agreed.

But during this Presidential election, the American people should consider whether they want to elect a President who may nominate a Justice who will embrace such a vast expansion of executive and regulatory power. This is what I've called for in a number of speeches, both in Iowa and here as well. This is an opportunity for the American people to have their voices heard. Letting the people decide in the election isn't just about who the next Justice on the Supreme Court is going to be. It is about the role of the Supreme Court and the judicial branch in our constitutional process.

We heard just a little while ago the floor leader of the minority party saying that somehow I want to rewrite the Constitution. This isn't about rewriting the Constitution. The Constitution is pretty clear: The Supreme Court interprets law, not makes law. And with the approval rating of the Supreme Court going down from about 50 percent to 28 percent in polls ever since this President took office, and the tendency for some Republican appointees as well as Democrat appointees to make the law the way they want it, that is just getting back to the basics—that the Supreme Court is an interpreter of the law, not a maker of the law.

So I think having a basic debate similar to what people learn in high school isn't a bad thing.

Now, will an election change what the Supreme Court, the people who are on it now, decide to do? I don't know—probably not. But it will allow for the next elected President to have the opportunity to choose which direction they want it to go. Do they want a Justice who is going to interpret the law or a Justice who is going to make the law?

Before the passing of Justice Scalia, we had four conservative justices, four liberal justices, and one in the middle—Justice Kennedy—who could go either way in some cases. We know what kind of judicial activists this President puts on the Supreme Court. Do you want to change the direction so that the Second Amendment rights of guns are in jeopardy or like when we saw attempts by this administration to say who a church can hire or not hire—and violate the freedom of religion—and other very important issues that are at stake?

It is pretty fundamental what is at stake, and I think having this debate is very important. And I think letting the people decide is very important.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CALLING FOR APPOINTMENT OF A SPECIAL COUNSEL

Mr. CORNYN. Madam President, I have come to the floor several times to talk about the ongoing investigation into the private email server of former Secretary of State Hillary Clinton.

While serving as the top diplomat for the United States, she plainly believed she could play by her own set of rules. Instead of using a government server with all of the attendant protections from cyber attacks and intelligence gathering by our adversaries, Secretary Clinton paid a staffer thousands of dollars to set up a private, unsecure

email server at her home in New York. So it is pretty clear, based on published reports, that Secretary Clinton went out of her way by paying money out of her own pocket to avoid important laws that Congress has passed to guarantee that the American people actually know what their government is doing. I am talking particularly about the Freedom of Information Act.

I haven't heard of any other example of someone in the Federal Government—accountable to the people of the United States—setting up a separate private email server just to conduct official business, not to mention the Secretary of State. It is simply unprecedented.

Her actions also put our country at risk, as her private email server was reportedly unsecure. We have heard time and again from those in the intelligence community that her use of an unsecure, private email server left her emails—some highly classified—vulnerable to hacking and cyber attack from our Nation's enemies.

We may never know the full extent to which her irresponsible actions have affected our military endeavors, our diplomatic efforts, our overall national security or the lives and safety of those who serve in the intelligence community or are in harm's way trying to keep our country safe. We don't know to what extent her recklessness and irresponsibility have jeopardized the lives of people who are engaged in keeping our country safe. We do know that it has jeopardized the security of our country at large.

To this day, Secretary Clinton refuses to accept full responsibility for her actions and denies the serious nature of the FBI's ongoing investigation, calling it only a ''security review.'' Well, it is pretty clear that the Justice Department is doing an investigation. Just this last week, it was reported that the Justice Department granted immunity to the staffer who set up Secretary Clinton's server. So this further confirms that Secretary Clinton is misrepresenting to the public when this inquiry is dismissed as some routine ''security review.''

We don't grant immunity from criminal prosecution to someone in order to gain their cooperation to testify in a case where they otherwise would claim the Fifth Amendment right against self-incrimination. That is why immunity is granted—so they no longer can claim a belief that they might be prosecuted for being a witness against themselves. That is why immunity is granted.

So this indicates what I have said all along, which is that this is a serious investigation that may determine that classified information has been mishandled—a serious crime. The Justice Department should pursue this case as aggressively as it would any other case involving any other person where there has been concern about the mishandling of classified information because the American people deserve nothing less.

Secretary Clinton is not just some random citizen or former government employee; she was a member of this President's Cabinet and Secretary of State. In light of this extraordinary case and the unavoidable myriad of conflicts of interest, I have called repeatedly on the Attorney General to appoint a special counsel to fully and fairly conduct the investigation. It is not just important that a thorough and independent investigation be conducted; it is important that the American people have confidence and believe that a fair and independent investigation is being conducted. One simply can't reach that conclusion, given the fact that the Attorney General, who is the political appointee of this President and who serves at his pleasure, is loathe to have this investigation proceed, and I will get to that in a moment. The President has inappropriately made comments while this investigation is ongoing. I asked the Attorney General last fall—she is the only one who can make this decision—to appoint a special counsel to give some semblance of independence from the political operation at the Department of Justice and the White House. Unfortunately, almost 6 months later, no independent counsel has been appointed. I think the necessity for such a person to be appointed is even more critical than ever.

COMPREHENSIVE ADDICTION AND RECOVERY BILL

Mr. CORNYN. Madam President, we will soon end the debate and vote on a bill known as the CARA Act, a piece of legislation that will help restore families and communities across America that have been harmed by addiction and drug abuse. This is a serious piece of legislation that has been done on a bipartisan basis and is a good illustration of how we in the Senate ought to be doing our jobs as representatives of the American people. We identify a problem, and we work across the aisle to come up with a solution. We consider it on the floor of the Senate so that all 100 Members can have an opportunity to discuss it.

An essential part of getting this legislation considered and passed on the floor is the hard work that happens in the respective committees, and the Comprehensive Addiction and Recovery Act is no exception. It is not only the result of bipartisan work but also the leadership of the chairman of the Judiciary Committee, the senior Senator from Iowa. We would not be here today considering this important legislation without Chairman GRASSLEY's leadership. So it has been particularly disappointing for me to hear the Democratic leader and some across the aisle disparage this good man and say that he and other Republicans are not doing their jobs. I think the evidence is to the contrary. It is our job to advance commonsense legislation that will benefit the entire country. That is exactly what this legislation does and exactly what the chairman has been diligently pursuing.

I would like to remind our friends across the aisle that the legislation we will soon advance is a bill the chairman diligently guided through the Judiciary Committee. I am thankful for his leadership and look forward to moving this bill along.

Madam President, I see no other Senator wishing to speak.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2015

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 524, which the clerk will report.

The bill clerk read as follows:

A bill (S. 524) to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

Pending:

Grassley amendment No. 3378, in the nature of a substitute.

Grassley (for Donnelly/Capito) modified amendment No. 3374 (to amendment No. 3378), to provide follow-up services to individuals who have received opioid overdose reversal drugs.

Mr. CORNYN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARKEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARKEY. Madam President, before I begin, as we discuss the Comprehensive Addiction and Recovery Act, I would like to take a moment to thank Senator WHITEHOUSE for his role in developing the bill and bringing it this far. I also convey my gratitude to Minority Leader REID and the ranking member of the Judiciary Committee, Senator LEAHY, for their excellent staffs and for urging that my amendments—which I will address momentarily—be a part of the discussion and for managing the negotiations on this bill. I also thank Senator MURRAY, the ranking member of the HELP Committee, for help and counsel on amendments.

Let us pause for a moment and consider the causes of the prescription opioid and heroin epidemic gripping our country. Understanding the causes will help us focus on the right solutions. Three distinct parties bear much of the blame for this public health crisis.

First, there is Big Pharma. In the mid-1990s, the seeds of this epidemic